ORDINANCE NO. 1

Series, 1962

AN ORDINANCE RELATING TO THE STORAGE OF GASOLINE; PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

The City of Elgin ordains as follows:

Section 1: Storage: Gasoline shall not be stored above ground within the city of Elgin, except in sealed metal containers of not more than a five (5) gallon capacity each, except as hereinafter provided.

Section 2. Permit: A permit must be obtained from the City Council for the use of any storage tank and/or container of gasoline which has a larger capacity than that set forth above in section one (1) of this ordinance. A revocable permit valid for one (1) year may be issued by the City Council.

(1) Written application for a permit or for renewal of a permit to store gasoline shall be made to the City Recorder on forms provided by the City. The application shall be accompanied by a permit fee of $ 2.50 , which shall be returned to the applicant if the application is denied. The City Recorder shall refer the application to the City Council at the next regular City Council meeting.

(2) The City Council may either grant or deny the application for a permit, taking into consideration:

(a) The congestion of persons, the type of buildings, the volume of vehicular traffic and the topography in the vicinity of the storage area.

(b) The condition and construction of the building and/or structure used for the storage of any such gasoline.

(c) The adequacy of water supply in the storage area.

(d) Any other factors relevant to public safety.

(3) The City Council may revoke a permit:

(a) If conditions considered in granting the permit change at the storage area or in the vicinity and the public is endangered by the storage of any such gasoline as authorized by the permit.

(b) If the permittee is convicted of a violation of this ordinance.

(4) Before denying or revoking a permit, the City Council shall give written notice of its proposed action to the applicant or permittee. If, within ten (10) days after the date of such notice, a hearing is requested by the applicant or permittee, the City Council shall fix a time within the next thirty (30) days in which it shall hear the objections of the applicant or permittee to the denial or revocation of the permit. Thereafter the decision of the City Council shall be final.

(5) It shall be the duty of the Chief of Police to enforce the provisions of this ordinance relating to storage, and he shall regularly inspect buildings or structures where gasoline is stored to determine whether storage practices conform to the provisions of this ordinance and the limitations imposed by the permit.

Section 3. Exception: Nothing in this ordinance contained shall be construed to apply to any motor vehicle fuel or oil contained in the tank and/or motor of any motor vehicle or self-propelled equipment when required for the actual operation of such motor vehicle or self-propelled equipment.

Section 4. Continuing Offense: A separate offense is committed each day that a violation of this ordinance is permitted, or permitted to continue.

Section 5. Severability: The sections and sub-sections of this ordinance are severable. The invalidity of one section or sub-section does not affect the validity of the remaining sections or sub-sections.

Section 6. Repealer: Any ordinance, or any clause, sentence, subdivision or section of any ordinance of the City of Elgin, Union County, Oregon, in conflict with this ordinance is hereby repealed.

Section 7. Penalties: Any person violating any provision of this ordinance may, upon conviction of such violation, be imprisoned for a period of not more than ninety days, or fined not more than the sum of $500.00, or both.

Section 8. Emergency: WHEREAS, it is essential for the health, welfare, peace and safety of the people of the City of Elgin that this ordinance become effective upon the passage thereof, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by a unanimous vote of a quorum of the City Council and upon its approval by the Mayor of the said City.

PASSED this 13th day of February, 1962.

APPROVED this 13th day of February, 1962.

Myron F. Chandler
Mayor

Attested to and filed this
13th day of February, 1962.

Ethel J. Hunt
City Recorder